

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

STEVEN AMES BROWN,
Plaintiff,

vs.

ANDREW B. STROUD, an individual, et
al.,

Defendants,

AND RELATED CROSS AND
COUNTERCLAIMS.

METHVEN & ASSOCIATES
PROFESSIONAL CORPORATION,

Plaintiff in Interpleader,

vs.

SCARLETT PARADIES-STROUD, et al.,

Defendant in Interpleader,

AND RELATED CROSS CLAIMS.

Case No. CV 08-02348 JSW
Case No. CV 13-01079 JSW

**STIPULATED INJUNCTION
AND ORDER THEREON**

Plaintiff Steven Ames Brown (“Brown”), Plaintiff the Estate of Nina Simone, and Third-Party Defendant Orchard Enterprises NY, Inc. (“Orchard”), by and through their attorneys, stipulate that the Court may enter the following stipulated injunction in the above captioned matter:

1. For a period of ten years after December 11, 2015, Orchard agrees that Orchard, any subsidiary of Orchard, and/or any person, firm or entity over which Orchard has any right to direct or control its activities shall not engage in the exploitation of any recorded performances of Nina Simone, except as provided for below.

2. Orchard may distribute or otherwise exploit recorded performances of Nina Simone the rights to which were acquired by Orchard or Orchard’s distributed label under a written agreement with a division of Universal Music Group, Warner Music Group, BMG Rights, Sony Music, their successors-in-interest, or a licensee of one of these entities.

3. Orchard may also distribute or otherwise exploit recorded performances of Nina Simone the rights to which were acquired by Orchard or Orchard’s distributed label under a written agreement with the Simone Estate or its successors-in-interest.

4. In the event that Brown or the Simon Estate believes that Orchard is distributing or otherwise exploiting recorded performances of Nina Simone other than as allowed for above, they shall provide Orchard with written notice by sending an email to claimsadmin@theorchard.com with the subject line “Nina Simone -- Case No. CV 08-02348 JSW” or such email address as provided by Orchard. Orchard shall thereafter have 30 days to either issue take down notices to all digital service providers (“DSPs”) or provide the complaining party with information to establish that the distribution by those DSPs is compliant with this stipulation.

IT IS SO STIPULATED.

DATED: December 11, 2015

NARDELL CHITSAZ & ASSOCIATES LLP

By: /s/

J. Timothy Nardell

Attorneys for ORCHARD ENTERPRISES NY, INC.

1 DATED: December 11, 2015

STEVEN AMES BROWN
ENTERTAINMENT LAW 83363

2
3 By: /s/
4 Steven Ames Brown
5 Attorneys for Plaintiff STEVEN AMES BROWN

6 DATED: December 11, 2015

SHUKAT ARROW HAFER WEBER & HERBSMAN,
LLP

7
8 By: /s/
9 Dorothy Marie Weber
10 Attorneys for Plaintiff THE ESTATE OF NINA
11 SIMONE

12 DECLARATION

13 I, J. Timothy Nardell, attest that concurrence in the filing of the document has been obtained
14 from each of the other signatories of this document, pursuant to Northern District Civil L.R. 5-1(i)(3).


15 DATED: December 14, 2015

NARDELL CHITSAZ & ASSOCIATES LLP

16 By: /s/
17 J. Timothy Nardell
18 Attorneys for ORCHARD ENTERPRISES NY, INC.

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21 IT IS SO ORDERED.

22 Dated: December 15, 2015

23 
24 JEFFREY S. WHITE
25 United States District Court Judge
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